IN THE UNITED STATES DISTRICT COURT FOR THE WESTERN DISTRICT OF NORTH CAROLINA STATESVILLE DIVISION CIVIL ACTION NO. 5:24-CV-00192-KDB-SCR

WALTER KEVIN CARPENTER,)	
Plaintiff,)	
v.)	ORDER
CITY OF NEWTON, et. al.,)	
Defendants.)	

THIS MATTER is before the Court on "Defendants' Motion to Dismiss" (Doc. No. 3) filed September 17, 2024. Plaintiff filed his "Amended Complaint" (Doc. No.7) on October 8, 2024.

Rule 15 of the Federal Rules of Civil Procedure governs amendments to pleadings. Rule 15(a)(1) grants a party the right to "amend its pleading once as a matter of course," if done within 21 days after serving the pleading, Fed. R. Civ. P. 15(a)(1)(A), or "if the pleading is one to which a responsive pleading is required," a party may amend once as a matter of course, provided that it does so within "21 days after service of a responsive pleading or 21 days after service of a motion under Rule 12(b), (e), or (f), whichever is earlier." Fed. R. Civ. P. 15(a)(1)(B). The Rule further provides that leave to amend shall be freely given "when justice so requires." Fed. R. Civ. P. 15(a)(2).

Plaintiff filed his Amended Complaint within 21 days following receipt of Defendants' Motion to Dismiss. Accordingly, the amendment is as a matter of course. Fed. R. Civ. P. 15(a)(1)(B).

It is well-settled that an amended pleading supersedes the original pleading, and that motions directed at superseded pleadings are to be denied as moot. <u>Hall v. Int'l Union, United Auto.</u>, Aerospace & Agric. Implement Workers of Am., No. 3:10-CV-418-RJC-DSC, 2011 WL 4014315, at *1 (W.D.N.C. June 21, 2011); <u>Young v. City of Mount Ranier</u>, 238 F.3d 567, 572-73 (4th Cir. 2001).

IT IS THEREFORE ORDERED that:

- 1. Defendants' "Motion to Dismiss" (Doc. No. 3) is administratively **DENIED** as moot without prejudice.
- 2. The Clerk is directed to send copies of this Order to counsel for the parties and to the Honorable Kenneth D. Bell.

SO ORDERED.

Signed: October 9, 2024

Susan C. Rodriguez

United States Magistrate Judge

Radija